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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/229,589	01/13/1999	LEONID A YEGOSHIN	P3356	5733

24739 7590 12/13/2002

CENTRAL COAST PATENT AGENCY
PO BOX 187
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EXAMINER

PHUNKULH, BOB A

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 12/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/229,589

Applicant(s)

YEGOSHIN, LEONID A

Examiner

Bob A. Phunkulh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s) _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

This communication is in response to applicant's 9/3/2002 amendment in the application of YEGOSHIN for "METHOD AND APPARATUS FOR CREATING AND DISTRIBUTING COST TELEPHONY-SWITCHING FUNCTIONALITY WITHIN AN IP NETWORK" filed 01/13/1999. The amendments to the claims have been entered. No claims have been canceled. No claims have been added. Claims 1-17 are now pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3- 7, 9-15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guy et al. (US 5,940,479), hereinafter Guy.

Regarding claims 1, 3-5, 7, 9-11, 13-15, and 17, Guy discloses a system and method for transmitting packet across a wide area network (WAN) from a local phone coupled to a computer e.g., PC-phone. The system comprises of:

- at least two PC-phones 103/105 and 143/145 (*Internet capable call appliances*) located in different location,
- a first router 114 coupled to the PC-phone 103/105,
- a second router 132 coupled to the PC-phone 143/145, and

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-a WAN network (Internet or ATM or frame relay) for connecting between the two routers.

The calls setup between the call appliance 103/105 and the router 114 (*end node leg*), and the call setup between the router 114 and 132 through the Internet 104 (*intermediate legs*), the call setup between the router 132 and the called appliance 143/145 (*end node leg*) and are separate and distinct (**see figs. 1, 5; and col. 4 line 54 to col. 6 line 35**).

Regarding claims 6 and 12, Guy discloses a LAN network 116, connecting end appliances at one or more the routers, and wherein end-node leg are established via LAN to appliances on the LAN 116 (**see fig. 1**).

Guy fails to explicitly disclose that the end destination is Internet-capable call appliance.

Guy discloses as an example the end destination is a phone 142 where a file server 122 convert the compressed digital signals in the packet into analog signals and transmit the signals to the phone 142 via the PSTN 140 (see col. 6 lines 9-35). It should be note that the converting of digital signals into analog signals is necessary because the end destination is not Internet-capable call appliance. In figure 1, Guy discloses that the second router 132 coupled to the PC-phone 143/145 via a second LAN 134 (see figure 1 and col. 5 line 60-65).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to originate a call from the PC-phone 103/105 and designate the call to the PC phone 145/143 in the system taught by Guy thus

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minimizing the call delay caused by converting compressed digital signals into analog signals.

Claims 2, 8, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guy in view of Andrews et al. (US 5,848,143), hereinafter Andrews.

Claims 2, 8, and 16, Guy fails to disclose the call appliances include Interactive Voice Response (IVR) units.

Andrews, on the other hand, teaches IVR units are included in agent systems of a communication system that provides telephony communication between agents and a plurality of callers (**see figs. 8-10**).

Therefore, it would have been obvious to one having ordinary skilled in the art at the time of invention was made to include the IVRs of Andrews et al., in the system taught by Guy et al. for improving requested information to the caller 24 hours a day without human assistant -thus enhancing customer service while reducing costs.

Response to Arguments

Applicant's arguments filed 9/3/2002 have been fully considered but they are not persuasive.

In page 7, the applicant makes the following argument:

Applicant argues that the originating call dials a PSTN number and does not place an Internet call to another communicator on the Internet. The calls placed from phone 105 in Guy are converted at both ends (see Fig. 5). Therefore, the Examinees reasoning that bypassing conversion at the receiving end fails, because conversion must also take place at the originating end in the art of Guy. Only applicant's specification suggests true IP calls from origination to destination.

In response to the applicant's argument, Guy explicitly states that:

The system is connected to one or more of a PSTN, a private branch exchange, a key telephone system, a telephone, a facsimile machine, and a modem. In the case of voice transmission, a user places a telephone call using a personal computer with telephony software and a telephone or a microphone/speaker interface. **The computer generates telephony signals representing signaling information and aural data and transmits those signals across a local area network (LAN) and/or a WAN to a gateway unit of the present invention.** The gateway unit translates the received telephony signal into a format that is compatible with the telephone system or equipment connected thereto (see col. 3 lines 25-55).

As shown in the figure 1, phone 105/103 generate telephony signals and aural data and transmits those signals across the LAN 116 and/or the WAN 104 (internet).

As an example, Guy describes the call destination is phone 142, which connected to PSTN 140 via file server 122/gateway 2, where the aural data are converted into analog signals in order to route the call to the destination phone 142 over PSTN (see col. 5 line 66 to col. 6 line 35). As shown in figure 1 and describes in col. 5 lines 60-65, the call destination could have been a PC-phone 143/145, where there is no need for converting the aural data into analog signals. Other arguments raise by the applicant has been fully addressed by the examiner in the previous Office Action (paper no. 11).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 305-9051, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

(703) 308-5403 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(703)**

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308-8251. The examiner can normally be reached on Monday-Friday from 7:00 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Douglas W. Olms**, can be reach on **(703) 305-4703**. The fax phone number for this group is **(703) 872-9314**.

Any inquire of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is **(703) 306-0377**.

Bob A. Phunkulh

Bob A. Phunkulh

December 10, 2002
T.C. 2600
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Douglas W. Olms

DOUGLAS OLMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600